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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BONNIE TUCKER, PETER
MENDOZA, CALIFORNIA COUNCIL OF
THE BLIND and CALIFORNIANS FOR
DISABILITY RIGHTS, a non-profit
corporation, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

STATE OF CALIFORNIA DEPARTMENT
OF PARKS AND RECREATION,
RUTH COLEMAN, and the STATE OF
CALIFORNIA,

Defendants.

Case No. C-98-4935 CRB

CLASS ACTION

~~(Proposed)~~ ORDER GRANTING FINAL
APPROVAL OF CONSENT DECREE

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1 The Joint Motion for Final Approval of Consent Decree filed by the plaintiffs and
2 defendants, respectively, came on regularly for a Fairness Hearing on November 18, 2005, the
3 Honorable Charles Breyer presiding. Laurence Paradis and Stephen Tollafield of Disability
4 Rights Advocates appeared on behalf of the plaintiffs and Caryn Craig of the State of California
5 Attorney General's Office appeared for defendants. Prior to this Fairness Hearing on said
6 Consent Decree, on July 8, 2005, the Court had issued an Order to Reopen Case and For
7 Preliminary Approval of Consent Decree (the "July 8, 2005 Order"). Under the terms of the July
8 8, 2005 Order and the proposed Consent Decree, defendants were obligated to provide notice to
9 class members of the proposed Consent Decree on or before July 29, 2005. Under the July 8,
10 2005 Order, members of the plaintiff class who wished to submit written objections or comments
11 to the proposed Consent Decree had to submit such objections or comments to the Court
12 postmarked no later than November 7, 2005.

13 The parties have complied with the notice requirements of the July 8, 2005 Order. The
14 Court received a written objection from the Environmental Health Council in Reseda, California,
15 regarding the use of pesticides/herbicides in parks and the impact on people with neurological
16 diseases.

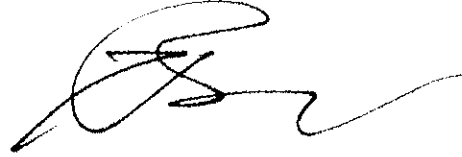
17 The Court has read and considered the Motions, Memoranda, Declarations and Exhibits
18 submitted by the parties, including most importantly the proposed Consent Decree itself, as well
19 as the comments/objections to the terms of the proposed Consent Decree presented by the
20 Environmental Health Council and the response thereto from the parties. Based on these
21 considerations, the Court hereby rules and adjudges that the proposed Consent Decree is fair,
22 reasonable and comports with the requirements of Rule 23 of the Federal Rules of Civil
23 Procedure and applicable case law. Accordingly, the Court hereby GRANTS the parties' Joint
24 Motion for Final Approval of Consent Decree.

25 Additionally, the Court hereby GRANTS Plaintiffs' uncontested motion for attorneys'
26 fees and costs for work up through March 1, 2005.

Pursuant to Section XV of the Consent Decree, Plaintiffs shall file a request for dismissal of this action in its entirety with prejudice, except that the Court shall retain jurisdiction over this Consent Decree in accordance with its terms.

IT IS SO ORDERED.

Dated: November 18, 2005



Honorable Charles R. Breyer
United States District Court Judge

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